

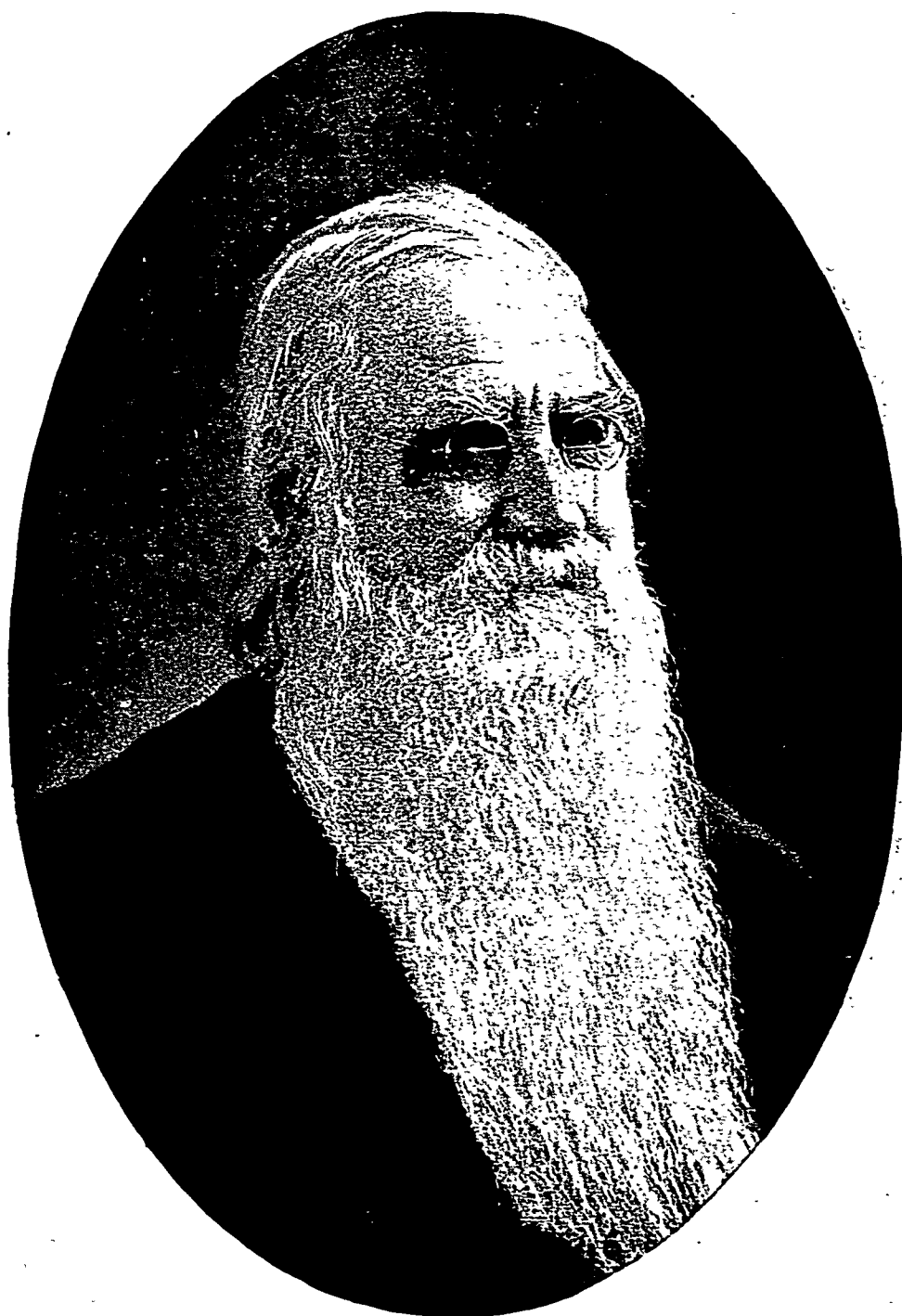
# The Notre Dame Scholastic

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No. 28.



THE VERY REV. EDWARD SORIN, C. S. C.  
Founder of the University of Notre Dame, whose statue was  
Unveiled Thursday, May 3rd.

## Guardian.

LOW burns the light in my cottage,  
High on the lonely steep,  
Silent has night closed around it,  
Even the winds are asleep.

Only a mother is wakeful,  
Crooning a lullaby sweet;  
Peaceful her infant is sleeping  
Until the shadows retreat.

O for the light of the morning,  
Mother and babe to see,  
She the full rose he the rosebud,  
Looking so smilingly.

T. E. B.

## Religious Toleration in Maryland.

WALTER J. O'DONNELL, '06.



ANY recent writers of the early history of Maryland have endeavored to rob the Calverts of the glory of granting religious toleration in that colony. They strive to maintain their position by claiming that the charter clearly defined toleration and that Calvert was forced to grant liberty of conscience owing to the large Protestant population. It is the purpose of this paper to prove the falsity of both arguments and to restore to Calvert the honor of which they would despoil him. Before proceeding, however, it may be well to see what was the religious condition in England at the time Maryland was founded, or better, perhaps, during the reign of James I.

James, in the language of court sycophants, was called the Solomon of England, but by the Duke of Sully was characterized as the "wisest fool in Europe." He prided himself on being a member of "the purest kirk in the world," but he afterwards forsook Presbyterianism for Anglicanism. At the opening of his reign he was inclined to be somewhat indulgent to the Catholics. This, however, was short-lived. We soon find his hatred for Catholics become so keen that "if he thought it possible for his son and heir to grant them toleration in the time to come he should fairly wish to see the young prince at that moment lying in his grave." But although his

hatred of Catholicism was so pronounced, nevertheless, he gathered to his court many Catholics on whom he showered most special favors.

On the death of James, Charles I. succeeded to the throne. Shortly after his accession he was accused by the Puritans and personal political enemies of secretly plotting to establish the Catholics in power. On the advice of Archbishop Laud the king resolved so to act that no one could accuse him of any religious partiality towards either Puritans or Catholics. The Catholics, who now enjoyed a certain quasi-toleration, were confident that it would not continue much longer and were exceedingly desirous of securing land far removed from England where they could enjoy perfect liberty in all matters of religion. The very year that Laud received his exalted position the Catholic exodus from England began.

During the reign of James, George Calvert was a very close and bosom friend of the monarch. On his conversion to Catholicism towards the close of the reign, candor and straightforwardness, which set Calvert off from other men, made it impossible for him to continue in his customary intercourse with his sovereign, and he made known his disavowal of the State Creed to the king. James, as a pledge of deep affection and good feeling, created Calvert Lord Baltimore in Ireland, and the latter began immediately to carry out the idea that had long ago taken possession of him, namely, to establish a colony for the persecuted.

He bought a large tract of land in Newfoundland and sent thither large bands of colonists. The cold, icy climate of the North did not agree with Baltimore and he turned southward to seek a more congenial region. He sailed along the Atlantic seaboard as far as the Chesapeake, and there was disclosed to him the ideal place for the erection of a colony.

Returning to England he obtained a charter from the crown, but died before anything could be realized. His son, however, courageously took up the work his father began. "Calvert deserves," says Bancroft, "to be ranked among the most wise and benevolent lawgivers of all ages. He was the first in the history of all the Christian world to seek for religious security

and peace by the practice of justice and not by the exercise of power; to plan the establishment of popular institutions with the enjoyment of liberty of conscience, to advance the career of civilization by recognizing the rightful equality of all Christian sects."

By the charter of Avalon, whereby Lord Baltimore received land in Newfoundland, Calvert was made little less than king. The settlers were exempt from all taxation imposed by the king or his agents. He could make all laws, provided they were not against the laws of England. No interpretation could be admitted of the charter "Whereby God's holy and truly Christian religion, or allegiance due unto us, our heirs and successors, may in anything suffer any prejudice or diminution." The king allowed Catholics "to emigrate without hindrance," and "reserved no power to enforce the penal laws against them." They could hold lands, build churches, and have priests of their own faith.

The charter of Maryland was almost an exact reproduction of the charter of Avalon, and under it the second Lord Baltimore enjoyed the same privileges as did his father under the former. The aim of father and son was the same, namely, to establish a refuge for Catholics, "to convert not to extirpate the natives, and to send the sober not the lewd as settlers, looking not to present profit, but future expectation."

The leading men who took part in this colonization project were Catholics. Many of the settlers were Catholics; "good Catholic families," the chronicler records, and I can not believe that the Protestant element was strong in its religion, else it would not have taken part in a concern so Catholic. Moreover, it is a well-established fact that although Baltimore allowed the denominations to bring over clergymen of their own faith, not a Protestant minister embarked, nor did the settlers seek to obtain one until many years after the landing in Maryland. Lay Catholics in England were less sternly dealt with than the clergy. By payment of fines they could absent themselves from attendance at worship they did not approve. Thus many bought a very uncertain liberty, and even these were looking with anxious eyes for a refuge from persecution.

In the fall of 1633 two ships, the Ark and the Dove, sailed from England in charge of the Calvert Brothers, having on board twenty gentlemen and three hundred laborers. March, 24, 1634, they landed in America, and the next day planted the cross of Christ in the wilds of Maryland. Mass was celebrated, litanies sung, capes and bays named after saints, showing in all this that they were religiously inspired and also their eagerness to practise their religion.

If Calvert established a colony in America from mercenary interests, why did he give up the royal offices whence he drew more emolument than could ever be gained in the wilds of America? If he were disinterested in religion, why did he make known his conversion at a time when the headsman's axe was scarlet with the blood of Catholics and persecution was ever on the increase? These facts alone show with unerring certainty the aim Calvert had in mind when he formed the Maryland Company—to establish a refuge for his persecuted brethren.

All the Protestant writers of the last half of the 18th century are one regarding the motive that led Calvert to colonize Maryland; but the writers of our day, while searching and sifting the earlier documents and manuscripts, seem to have established strong arguments against our position.

It is strenuously urged that the charter itself clearly defines toleration, but we answer this by referring directly to the charter. As we have said above, the king could not consistently declare openly for Catholicism. This would prove too dangerous an experiment. Consequently, the charter had to be worded in such a manner that "the repose of the king and the freedom of the colonists" would be balanced. The clause concerning religion reads:

"Provided always that no interpretation thereof (of the charter) be made whereby God's holy and true Christian religion,—*sacrosancta et vera Christiana religio*,....—may in anywise suffer by change, prejudice or diminution." If this refers to the Church of England, we can not doubt but that toleration was impossible; but as we have already remarked, Baltimore's son was eager and "zealous to spread the Christian

religion," and this statement we find in the preamble to the charter. There is, therefore, both positive and negative reference to religion in the charter. As an instance of the latter we find mention made of "Christian religion," and truly this does not and can not mean the English Church, for Calvert, who was an ardent and devoted son of the Church, could not consistently mean by the expression "Christian religion," the Established Church. Nor does it, on the other hand, signify the Catholic Church, because the king could not grant to Calvert the power of spreading the Roman faith, consequently, he adopted the safe course and made mention of no particular religion in the charter, but refers in general to Christian religion as opposed to paganism, heathenism or infidelity.

From this it is clear that the Calverts could establish any religion they chose, and, being Catholics, the religion of the settlement must have been, and indeed was, Catholicism. Moreover, the proprietor had the power to make laws; he could, therefore, have prevented Protestants and all not professing the Catholic faith from entering into his domain; or, if he allowed them to enter, to fine them or prohibit any special form of worship; but this he did not do. Every creed could practise freely the doctrines it professed, and as a proof of this we find that four years after the settlement of Maryland a Catholic resident, by name Lewes, was fined by a Catholic judge for hindering two of his employees from reading an anti-Catholic book.

Nor did the charter grant general toleration. All charters were, on the point of religion, the same. For example, in the Virginia charter we find almost the same statement on worship as that contained in the Maryland charter; but in Virginia there never was toleration. Why, then, if the charter granted general toleration, did the Protestants, after they gained the ascendancy, Protestants—"sworn to administer the government of the province according to its charter and laws,"—why and how could they pass laws against Catholics and all who were not of the English Church?

There is but one logical and truthful conclusion: If the charter enabled the Protestants to act in this manner, why

could not the Catholics do the same, when the charter was given to a Catholic and for a Catholic settlement? Could not the Catholics have kept out of the province "men who, when they had found there an asylum from the persecution of their fellow-Protestants and become sufficiently numerous, turned upon the Catholic settlers, disfranchised and persecuted them?"

Calvert far from excluding invited the persecuted of all religions to come and dwell in his colony and enjoy liberty of conscience. To him, therefore, is due the glory of toleration in Maryland. In 1649 through his influence was passed the famous "act concerning religion" wherein religious freedom is declared to all. This act was "but a legal expression of the principle upon which the colony had always been governed, and placed Maryland in advance of every community in this Hemisphere."

The historian MacSherry says: "The passage of this act is one of the proud boasts of Maryland, and its exact execution until the government was overthrown by the Puritans, and from its restoration till the Protestant Revolution, forms one of her greatest glories."

In conclusion, toleration was the cornerstone of the Maryland colony. With this in view did Calvert plan the enterprise. The peculiar character of the charter made it possible for the proprietor to establish religious freedom without any danger. For thirty years the people had free exercise of worship, but then the parties who had sought refuge in this sanctuary turned against those who made it possible for them to live, and legislated against the Catholics. Such was Calvert's reward. Although "the ancient glory of Maryland" was dim for a time, "nothing can rob Calvert and his band of colonists of the fame of founding the first settlement where conscience was free, and where, while persecution was raging around them, a sanctuary was established in which even Protestants found a refuge from Protestant intolerance."

PRIDE is like the sirocco: it dries up all its caresses.

THE thought is vain if we do not do the deed.—A. E. B.

## The Ivy.

IT brings my mother back to me  
Across the years,  
Her happy, smiling face I see  
Through saddest tears.

There where the ivy creeps away  
Toward the white dawn,  
I see her sitting, old and grey,  
Upon the lawn.

Ah! strange that creeping ivy vine  
Should fill the space  
That severs me from mother mine  
And shows her face.

A. E. T.

## Some Other Time.

JOHN M. RYAN, '06.

It was the echo of bursting shells as they beat upon Sumter's doomed walls that awoke the North to the realization of its danger. It was that outrage which caused the northern blood to tingle and every face to burn with shame and indignation. Not only were these feelings manifested in the larger towns and cities, but even in the remotest hamlets excitement ran high. Among those that forgot all else but that the flag had been insulted was Tom Harris.

Tom lived in the frontier town of Conway, situated in the southwestern corner of Iowa. Studious from youth, he was preparing to enter college to study for the priesthood. The news of the attack changed everything. Encouraged rather than deterred by his parents, Tom at once answered his country's call, and with his tried and trusted rifle hastened to enlist.

Passing over three years of war and its hardships we come to a damp, cloudy morning near the end of that direful contest. Two powerful armies are facing each other. The one under Sherman is trying to force its way through Georgia to the sea; the other, under Johnston, is determined that the march shall not be made. Upon this eventful morning, just as the gray dawn is dispelling the darkness and Tom has

been carried in dreams back to the boyhood scenes of his old home, a shrill bugle-call disturbs the morning stillness. Its echoes had hardly died away before the flap of Tom's tent is thrown back, and the sharp-shooter captain orders him to follow. A half-hour of silent marching with several grim companions, that had either been with the officer or picked up on the march, brought the squad to a wood almost within the enemy's lines. Here they separated, each one choosing a position among the foliage of a lofty tree.

The purpose of these picked men was not to thin the ranks of the privates. Their keen eyes surveyed the lines ahead of them. Hundreds of common soldiers might pass within deadly range unharmed, but woe to the man that wore shoulder straps within that distance. In the highest branches of an elm, Tom took his position. From the ground directly below he was scarcely visible and forty feet away he could not be seen at all. Here his work began.

Three times within as many hours had the old rifle spoken and always with deadly effect. For some time after his last shot, however, Tom was engaged in other business than picking off officers. His was not the only band of sharpshooters upon those Southern fields. The enemy had them as well. An unseen opponent was trying, as only an expert can, to pick our friend from his lofty perch. It required all Tom's skill to keep from moving the leaves as he cautiously tried to locate the enemy. Neither saw the other. It was a game of feeling for your victim with leaden fingers. Thrice had the Confederate, without being aware of it, located Tom and punctured his uniform. A bullet had actually burned his shoulder in its passage. Tom knew the disadvantage of his position in a duel of this kind, and grimly waited for his chance. At last it came. Just as the bullet grazed his shoulder he located the source of danger and at once his rifle cracked. The report was followed by a commotion behind a stump less than two hundred feet away. A rifle flew into the air and fell with a crash amidst the thick underbrush.

After a few minutes' cautious delay Tom slid down from his seat and approached

the stump. There he beheld a youth almost his own age and at once all his antipathy vanished. He tried by every means in his power, regardless of danger, to comfort his victim, but all in vain. The prostrate youth thankful for Tom's efforts and moved by a generous impulse feebly stretched forth his hand, saying:

"Either you or I had to die to-day. God calls me and so I must obey." At Tom's offer to deliver any message, the youth continued: "Tell my poor mother I was always faithful to duty and died for my country. Tell her I died thinking of her. My home is in Missouri in the town of —. O mother, mother." He died without pronouncing the two necessary words, his name and town. Neither of these could be found upon his person, but his gun bore the initials C. E. Tom, nevertheless, resolved to deliver that message.

The war has been over five years and Tom Harris is now a young priest. At his own request he has been assigned to missionary work in Missouri. There he is to relieve an old priest who has been worn out by extensive work. Tom met his predecessor at the then small town of St. Louis. Here he also received his final instructions and the first clew to the long-looked for home of the unknown C. E. Among other things the missionary told the young priest the following pathetic story:

"There lives in the town of Trenton, of this state, a pious widow at whose home you must always stop. Years ago when I first came to this mission she had a happy family, and God seemed to bless her, but it was only the sunshine before the storm. An epidemic swept over the town, and as it passed Mrs. Evans was left with only one child, a son, by name Charlie. Soon after this the war broke out, and the patriotic woman sent her boy to the front, whence he never returned. Daily Mrs. Evans, in spite of all the neighbors say, watches for her boy, and every night a light burns in the window to show him the way. Beyond a doubt he fell in the struggle, but as no message ever came from him, not even his father's rifle which he carried, the poor mother refuses to give up hope or believe him dead. My son," continued the old

priest, "be sure and always bring comfort there."

Realizing that this was the home of his victim, for the old priest told him both father and son were named Charlie, Father Tom Harris doubted if he could fulfil the missionary's last request. Here he must go as a father to tell a waiting mother how he himself had shot her son. Determined to make sure, and deliver his message, the young missionary started almost at once for Trenton.

One cold stormy evening about a week later Mrs. Evans was sitting in her favorite chair by the window. She could see the graves of her husband and children across the field, and here she was accustomed to sit and muse upon her life. On this particular evening she felt more exhausted than usual by her little day's work, and her thoughts were continually upon her missing boy. In spite of herself she dozed off to sleep, but even then continued her musing. In dreams she saw her Charlie grow from infancy to manhood; she saw him shoulder his gun and start for the war. She reviewed all the letters received during that struggle and remembered all the rumors she had heard of his valor. Then she pictured him coming up the road in a hurry to get home. Startled by the sound of rapidly approaching hoof-beats she awoke and hastened to the door just as a military step reached it.

Hardly had the newcomer entered when Mrs. Evans clasped his stalwart form in her arms with the cry: "O Charlie, I knew you would come home."

Harsh indeed were the kindly intended words that answered her:

"What, on such a night as this!"

Mrs. Evans staggered back, and bowing her head said:

"Well, Father, it might have been."

Father Harris turned slowly away and muttered: "Some other time."

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### Perfection.

Small things may perfect be,

Why worry you?

Behold perfection—lo!

The drop of dew

W. B.



Varsity Verse.

A BOYHOOD DREAM

IN the heart of Alabama,  
Where the snowy cotton blows  
And the sweet magnolia blushes  
Till it rivals summer's rose,  
There I flitted through my boyhood,  
Happy as a lad could be  
Ah! in memory that childhood  
Seems but yesterday to me.

How I started in the morning,  
When the southern air was cool,  
Up along the song-filled woodland  
Toward the little village school,  
How my heart beat wild with rapture  
As I brushed the dew away  
And walked up toward the cottage  
Of my sweetheart, Nellie Grey.

Ah! her eyes were like the springtime  
When the skies are opal blue  
And her hair which fell in clusters  
Was like autumn's golden hue  
And her face like mildest winter  
When the virgin snow lies deep,  
With lips crimson as the summer  
When the red-cheeked apples sleep.

And how eager did I greet her  
When upon the steps she stood,  
Still I see her gingham apron  
And her little purple hood;  
How I took her books and pencils,  
Glad to carry them for Nell,  
Those were moments truly happy  
More than any tongue can tell.

And she vowed that through her lifetime  
She would be my little bride,  
Like the rose beside the gate-post  
She would grow up by my side.  
But alas, how time has changed us!  
Here I sit grey and alone,  
And the idol of my boyhood  
Like a dream of youth has flown.

S. T. D.

GROWN OLD.

O lad and maid  
That oft have played  
In the cool eve,  
What happy dreams  
From sunshine beams  
Did ye not weave.

Now sit ye grey  
At close of day  
Your pleasures o'er,  
Youth's blush has fled  
And beauty dead  
Returns no more.

T. E. B.

Lamennais.

JEAN LECROQ, '06.

The life of Lamennais is too well known to be sketched here. This wonderful man who had so tragic an end, has left to posterity voluminous writings — books, pamphlets and essays on religious, political and philosophical subjects, in which we detect his proud, bold and independent spirit. The man, the priest who found himself invested with the power of Bossuet and the eloquence of Tertullian, who was the energetic leader of the Catholic movement in his time, who swayed the multitude by the charm of his genius, did not know how to curb his will and bow his head to authority. His "satānical pride," as Gregory XVI. termed it, ruined him most shamefully. From the summit of glory he fell to the lowest degree of human baseness, not only rebelling against the Church who had nourished him from his tender years with the milk of religion, but even denying his Maker.

In the last years of his life he wrote to his friend Bruté, Bishop of Vincennes in the United States, a remarkable letter which it might be appropriate to translate. It runs as follows: "My friend, you are right, one page, one line, one word of St. Francis of Sales or the Imitation is far superior to all these miserably contentious pamphlets which only dry up the soul, mine especially, already so arid. My God! what has plunged me into this unhappy state? Pride, yes pride! Every day I perceive that truth." In another passage in his essay on "Indifference in the Matter of Religion," he says: "Man depraved by pride is so strangely his own enemy that he conceives a hatred for the only doctrine which gives value to his existence; he would regard it as a triumph to establish upon the ruins of that celestial doctrine errors equally absurd and disheartening, and would taste, I know not what desperate joy, in insuring for himself, even at the expense of his reason, a wretchedness without remedy and without end...."

Those words paint in bold outline the

character of Lamennais. He was surely a man "depraved by pride" and so strangely an enemy to himself who "conceived a hatred for the only doctrine which gave value to his existence," as a priest. He "regarded it as a triumph to establish upon the ruins of that celestial doctrine errors equally absurd and disheartening."

"By dint of dissecting," says a moralist of our times, "that rotten body of philosophy of the eighteenth century, the unfortunate anatomist has caught the poison from the corpse, like those practitioners who owe their death to imprudent autopsies."

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### The Other Woman.

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EDWARD F. O'FLYNN, '07.

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Up to that night young Walters of the Overland admitted to himself that as yet he hadn't met her. He had gone through life as most men do, not worrying about the matter, nor looking out for her. He guessed that she was somewhere and probably would loom up at the right time. True, in his college days when he was very young and thought he knew all about it he had met girls, and they were nice girls, too. But still they were only learning as he was and were very young. It amused him to think of those times, and often he laughed about the "man he used to be." He had some money; not too much for a man of Walters' stamp, but enough to allow him to live the way he thought men should live. He had a fair practice, and coupled with the rest,—looks, physique, ability, etc., he made quite a worthy eligible. But that night in the crowded ball-room at the Clarke affair he saw her. He met her and they waltzed, which helped things along so well that she entered him in the race. From then on it was only a matter of time and conventionality till he convinced her that it couldn't be any other way. So it happened as all such things do, and pretty Bess Rummell, debutante of one year, flew around the world with the man who knew all about it.

It was some time after their return, when Walters began to find time to talk to other people, that Jim Thorn of the Over-

land intimated to him about the coming masque of grossets.

"Better come," quietly said Thorn, feeling his way.

Walters gave him the kind of a look he deserved, but in a moment brightened up. Encouraged, Thorn told him "what a job it would be, and really a taste of the old days wouldn't harm, it would be spicing the good."

For a while Walters thought, then he decided; no one would know and, anyway, he would disappear before unmasking time. So he went attired as Cæsar.

"Brutus!" called Cæsar to Thorn, "who's," pointing, "the pretty Du Barry?"

"Don't know."

"O say, Thorn!" but Brutus was gone.

He stood a moment looking on the scene. Then he thought of the woman at home. The woman who should be here. He paused a moment and accused himself for not staying at home. He felt criminal, but the music choked his conscience and he flung his hand out saying:

"The gods, 'twere a shame! Cæsar would be a beast without a heart if he would stay at home a night like this." Then he turned:

"Hail, mighty Cæsar!" bowed the pretty Madame.

"Kneel not, gentle," he laughed, "for Cæsar craves a dance."

So they danced, and what a dance! Only one other woman could waltz as she. He bit his lip, for that other woman was at home to-night. Again he felt guilty, for it reminded him of the night he met her—that other woman, the one for whom Strauss composed. But they whirled in among the dancers, heeding none of them. Dominoes' courtiers, men in armor, grave old monks and court buffoons passed them sparkling in the glow of the lamps.

"Such a night," she whispered.

"A very pleasing night to—"

"Honest men," she finished, eyeing him suspiciously. She wasn't going to trust this man to start sentences that way.

"Beware of the eyes of masques!" warned Brutus,—Brutus was Cæsar's friend, so Cæsar started. Still no one heard for the boy in armor swooped down on them.

"What did Brutus say?" she asked.



"That you were a pretty coquette."

"Rudeness!" she flashed to him.

"Which is a sauce to good wit," he replied.

"Pedant!"

There was a long silence, for he was a wise man and took it quietly. Under her masque she smiled and liked him better. Brutus came again and seeing them still talking, came closer.

"Beware of the eyes of masques!" he called, but when she looked up he was gone and only the glitter of the boy in armor met her gaze. But Cæsar was roused, he looked closer, penetrating her masque. Quickly she turned her head but he saw a glistening beneath her masque. Her eyes were brown. Again he started, then smiled, nearly laughed.

"In here," he said, bringing her to a seat in a nook screened by palms from the rest.

"What music!" she began, looking prettier in the glow.

"Meant for"—he stopped. There was silence; what did he mean?

"Whom?" finally, she had meant to evade it.

"Whom?" he repeated, significantly, looking steadily at her. Silence again.

"You must prove that," she hesitated, coloring.

The music filtered through the palms and hovered over them, playing, ever playing, filling him with its ecstasy, its boldness, its temptation. He looked at her through the faint red glow that fell on the heavy curtains and showered down on her. He saw her start as though to speak, but no one ever talks at such a time; so she sat there listening—to the music punctuated by her heart beats. It was the music's fault, that she didn't move, though she was sure he was coming nearer. He knew it was wrong, but the music's spell was on him and drew him closer, looking through the masque into her eyes. Then when he had come almost near enough, still gazing at her as she stood there in the glow—he stopped, for the music had, and the boy in armor whispered through the palms "Beware of the eyes of masques."

"What is that?" she asked.

"Only Brutus," he answered. He didn't have time to see, so he called the disturber anything.

"Brutus?"

"Yes."

"What did he say?"

"Beware of the eyes of masques," he answered.

"You know the eyes of masques are comic," laughing and coming very near. Then—

"Oh! Oh! Tom," in a low, sweet muffle.

"Aye, Cæsar, but not gone," answered the boy in armor, standing behind.

"Well, Bess," he said ignoring the intruder, "it couldn't be any other way you know," and he raised her masque pulling off his own.

"Gracious!" she gasped her face burning.

"H—," from him.

"Don't add profanity to it" interrupted the armored one, then turning, "our dance, Madame."

Cæsar stood there confused and excited. He put on his masque, and thought a moment.

"Tom," he questioned, "Tom who? I thought sure—" Then realizing he broke into a laugh.

Off over at the other end of the hall the pretty Madame flushed under her masque.

"I wonder who Bess is? I was certain it was Tom," she said, but her armored knight didn't answer her, for he was a true knight.

At unmasking time they were gone: he to his home, guiltily thinking of the other woman, but laughing on the way; she to hers, blushing in the dark of the carriage and laughing too. He never saw her afterwards, though he often wondered who she was.

Next day when he left for his office Walters rather guiltily kissed his wife good-bye.

"Beware of the eyes of masques," she called after him as he went down the walk. He turned but only heard her merry laugh through the hall as she went.

"A real knight Bess" she said some minutes later as she viewed herself in her mirror.

"Yes," he answered entering; then apologizing: "I just came back to talk it over." So they did.

"Cook, young hens but set the old."

"THERE's no time like rag."

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WALTER O'DONNELL, '06	ROBERT L. BRACKEN, '08

—The impressive ceremonies of unveiling the new statue of Very Rev. Edward Sorin, Founder of the University of Notre Dame, took place too late to be reported in this issue of the SCHOLASTIC. The Rt. Rev. John Keane, Archbishop of Dubuque, preached the sermon for the occasion in the Church of the Sacred Heart, and our Rev. President made an address from a platform erected at the foot of the statue.

—The splendid college spirit that the students of all the halls are showing is one of the best signs observed around here in a long time. We are winning now in everything, and we ought to so strengthen our spirit that we will be stanch and loyal even should fortune be less favorable. Nothing encourages our representatives in any line more than to know that all the fellows are behind them, hoping for victory, but faithful no matter what the outcome is. We owe this to one another, and it will make us all participators in whatever victories our school may win.

—The recent decision of the Supreme Court on the divorce question has aroused much comment. Without examining minutely

social conditions which might make what is absolutely best practically unwise, it seems to us that any law or decision which makes the marriage bond a stricter and more solemn contract is a step in the right direction and should be heartily commended. It is gratifying for Catholics who have always taken the strictest attitude toward divorce to find that even the civil authorities are forced to recognize the wisdom of the Church and follow its example, even though at a distance.

—Americans have again shown the rest of the world a clean pair of heels in athletic games. In the Olympic contests at Athens, American athletes won seventy-five and a half points, twice as many as all the representatives of England, including men from Ireland, Scotland, Australia and Canada. The Greeks received third, and the men of Sweden fourth places. If the heroes of Pindar's songs were alive they would have to look to their laurels with Americans in the field, and the best of it is that we have young men all through the country who can do just as well as our representatives in Greece. Physical attainments are not limited to a few professionals, but are found pretty generally throughout the country.

—Mr. Edward J. Hall, President of the southern Bell Telephone Company, has recently called attention to the uniformity of pronunciation which the telephone is bringing about in this country. When talking over the wire a person takes a higher pitch than is customary in conversation and is careful to be very distinct. The frequent use of this instrument, he says, is bringing about a change in the voice of the whole people and is making the language of the North, South, East and West more uniform. If there is any truth in this statement, and we have great reason to respect Mr. Hall's opinion, who is a student and a keen observer, the "haat" of the Easterner and the "hort" of southern Indiana may one day be fused into the simple "heart," and the superfluous "r," added to so many words, may be transferred to where it rightly belongs.

## New Laurels for Notre Dame.

On Friday evening, April 27, the Notre Dame debating team brought new laurels to *Alma Mater* by its victory over Iowa. The contest was the most interesting ever witnessed at Notre Dame and the wonderful enthusiasm and true college spirit manifested by the student body was inspiring. About seven o'clock the members of Sorin, Corby and Brownson Halls gathered in front of the Main Building, and the air rang with great, loud, lusty college yells, interspersed with occasional songs. The Iowa boys got their share of encouragement, the students having learned some of the yells of that University which they gave generously. About half past seven the rooters filed into Washington Hall, where a large audience had already assembled. Here, enforced by new numbers, they shook the walls with their enthusiastic shouts which put both teams in the proper fighting spirit.

The University orchestra opened the evening's entertainment with "The Church Parade." Prof. Petersen and the members of the orchestra seemed to have caught the true spirit of the occasion, and their selection was roundly applauded. Then the Hon.

Walter A. Funk, Judge of the Circuit Court, South Bend, the presiding officer, formally opened the debate. He stated the question of discussion: Resolved that a commission be given power to fix railroad rates. In a few words he told the great benefits derived from public speaking and from debating in particular. He then introduced Mr. Cornelius Hagerty, the first speaker for the affirmative, representing the University of Notre Dame.

Mr. Hagerty stated clearly the issue of the evening's discussion. He analyzed the present situation, and showed how far rates were fixed by natural forces, and how far they were subject to the arbitrary will of the

railroad men; also that consolidation has eliminated, to a great extent, competition, and this, combined with present methods of fixing rates, places power in the hands of the railroads to work injustice, unless the people have the right to appeal to a board of arbitration.

Mr. Hagerty's manner was excellent. He delivered his speech, which was clear and logical, with directness and earnestness. When he had finished, the members of Notre Dame felt confident that the Iowa debaters would have to be extraordinary to win. The chairman then introduced Mr. George C. Albright of Iowa University on the negative.

Mr. Albright maintained that the measure

advocated by the affirmative gentlemen was too drastic; that the great need is not the enactment of new laws, but the enforcement of present laws. He admitted that evils exist, that they demand some remedy, but he maintained that the legislation advocated by the affirmative would not remedy the difficulties and would bring with it greater evils than those it purposed to cure. Mr. Albright was earnest and clear in his speech, but spoke a little too low to be heard in the rear of the Hall. His conversational tone was attractive, however, and he



CORNELIUS J. HAGERTY, '06.

was well applauded.

Mr. Donahue spoke next. He showed that the great evil that called for a remedy was unjust discriminations between localities and commodities; that the present situation of the country demanded a remedy, and that present laws are inadequate because of delay and ineffectiveness. Finally, that the only sure way to correct an unjust rate is to substitute a just rate in its place. Mr. Donahue's ability as a public speaker is well known at Notre Dame, and it means much when we say he surpassed every former effort in this line. The fire and earnestness with which he spoke captivated everybody, and



WESLEY J. DONAHUE, '07.

he drove home his arguments with a forcefulness that challenged the best efforts of the opposing team.

Mr. William Healy continued for the negative. He held that the discriminations which are called unjust, appear on examination to be really just, and founded on true business principles. He held that the power advocated by the affirmative would mean general rate-making power which would bring great injury upon the people. He also quoted the Interstate Commerce Commission as advocating a distance basis for fixing rates, and showed that such a basis has been a failure in Germany and other countries where it was used. Mr. Healy was the strongest speaker on the Iowa team. His easy manner and earnest tone attracted the hearers, and his clear, logical reasoning made a deep impression.

Mr. Bolger was the next speaker. He

showed that fixing rates by a commission was practicable; that no injustice would be done the railroads since the great body of rates would be made by the railroads; that commerce would not be impeded by undue rigidity of rates, and that the experience of the first ten years of the Inter-State Commerce Commission proved his statements. Mr. Bolger was at his best. His speech was clear and forcible, and he delivered it with a certain Abraham Lincoln massiveness that compelled the attention of all. Both he and Mr. Donahue were interrupted at their climaxes by applause.

Mr. F. J. Cunningham closed the debate for the negative. He held the system advocated to be impracticable because a commission could not get immediate information of local conditions; that power to fix rates meant power to ruin the railroads, and therefore the traffic officials would refuse any information to the Commission; lastly, that the rates fixed by a Commission would be rigid and inelastic. Mr. Cunningham had a clear and well-reasoned speech which he delivered forcibly.



WILLIAM A. BOLGER, '07.

The rebuttals were full of fire and earnestness. Mr Albright claimed that the law advocated would not cure the private car evil and the rebate; and Mr. Donahue replied, satisfactorily defending also the present Commission from attacks made on it. Mr. Cunningham asked if the affirmative gentlemen favored the Hepburn Bill, and Mr. Hagerty replied that they did, in so far as it gave power to substitute a just rate for an unjust one; and proved that the Commission would not make use of a distance basis of rate-fixing.

Mr. Healy paid a tribute to Mr. Bolger's style of oratory, and said again that the system advocated would produce rigidity of rates. Mr. Bolger justified himself from Mr. Healy's charges, and went on to give examples of certain elasticity that existed under the present system.

While the judges were preparing their decisions the audience sang a Notre Dame song, and when the voices ceased Judge Funk announced a unanimous decision in favor of Notre Dame. Then the rooting began anew, and for ten minutes the hall shook with shouts for Notre Dame and Iowa.

This is Notre Dame's tenth debate and tenth victory. First we debated Butler College, defeating them four times; then Oberlin College taking three successive victories. We also defeated De Pauw once and the Illinois Law School once, and now going higher we have scalped Iowa. Professor Reno is very proud of the work of the team, and the fruit of his instruction was evident in the improved delivery of all our speakers. The judges of the contest were the Hon. R. S. Tuthill, Mr. Joseph H. Defrees of Chicago, and Mr. M. P. Rice, Lewiston, Ill.

E. P. B.

### Athletic Notes.

#### NOTRE DAME, 4; DE PAUW, 1.

Notre Dame disposed of team No. 1 on the road to the State Championship last Saturday by a score of 4 to 1. Young Mr. O'Gorman did the fancy work for the Varsity and allowed the visitors five hits. The youngsters had good speed and good control, and were there with everything this time. Wiley, who did the twirling for

De Pauw gave us a good account of himself and let us down with four hits.

The Varsity started out to hand the game to De Pauw by making three in the first inning. Mr. O'Gorman from Maine, or some place, struck out the first man. Tucker shot one to Stopper who got tangled with himself and allowed the runner to reach first. Shea contributed another error and Tucker went to third. Shirley got a hit. Plank flew out to Murray, and then the youngsters took a turn at playing with one. But De Pauw's one run in the first was only a fooler; they got no more, and only one man reached third after that.

"Jerry" Sheehan, or "Home Run Bud," came near adding another all-the-way-round to his list, but it was only good for three bases, and Mr. "Jer" tried to stretch it into a home run and was caught at the plate.

The Varsity scored first in the second. Stopper up, number first went out from third to first. Brogan hit one hard enough and far enough for a home run on any kind of a decent day, but the strong wind allowed him but three bases. Wiley dropped one in front of the plate which bounded over Tucker's head and Brogan scored. Sheehan struck out and Shea flew out to Tucker.

We scored again in the second. Bonan reached first on Matthew's error, stole second, went to third on a passed ball. McNerny knocked a high one to right field, Bonan scoring on the out. O'Gorman drew a pass in the fifth, stole second and scored on Bonan's hit. Brogan started the seventh with a hit, went to second on Douglas' error. Sheehan hit for three bases, scoring Brogan, and in attempting to come home was caught. That was all, but that was enough. All we want is to win the Indiana Championship. Four to one is as good as twenty-four. Win—that's all.

#### SUMMARY.

Notre Dame	R	H	P	A	E
Bonan, r. f.	1	1	0	2	0
McNerny, 2b.	0	0	1	1	0
Farabaugh, l. f.	0	0	1	0	0
Murray, c.	0	0	14	0	0
Stopper, 1b.	0	0	10	0	2
Brogan, 3b.	2	2	0	2	0
Sheehan, c. f.	0	1	0	0	0
Shea, ss.	0	0	1	3	2
O'Gorman, p.	1	0	0	4	0
Totals	4	4	27	12	4

	R	H	P	A	E
De Pauw					
Allen, 2b.	0	0	2	5	0
Tucker, c.	1	2	7	0	0
Shirley, c. f.	0	1	1	0	1
Plank, 3b.	0	2	2	2	0
Simpkins, 1b.	0	0	8	0	0
Douglas, l. f.	0	0	1	1	1
Matthews, ss.	0	0	1	1	1
Renick, r. f.	0	0	2	0	0
Wiley, p.	0	0	0	3	0

Totals 1 5 24 12 3

Three base hits—Brogan, Sheehan. Struck out—By O'Gorman, 11; by Wiley, 2. Bases on balls—Off Wiley, 2. Double plays, McNerny, Shea and Stopper. Passed ball—Tucker. Wild pitch—Wiley. Hit by pitcher—O'Gorman. Umpire—Nelson

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(Special to the *Record-Herald*.)

BELOIT, WISCONSIN, May 2.—Notre Dame defeated Beloit to-day by the score of 6 to 5 in a game in which the result was uncertain until the last put-out. Notre Dame took the lead in the first by securing four hits off Manley, but Beloit tied the score on Gleghorn's home run in the sixth. Errors by Burke and Gleghorn, followed by a hit by Brogan, enabled Notre Dame to make two more runs in the eighth.

#### SUMMARY.

	R	H	P	A	E
Notre Dame					
Bonan, r. f.	1	1	0	0	0
McNerny, 2b.	1	1	1	3	4
Farabaugh, r. f.	2	0	1	0	1
Murray, c.	2	1	12	3	2
Stopper, 1b.	0	0	7	1	0
Brogan, 3b.	0	2	1	1	0
Sheehan, c. f.	0	0	1	0	0
Shea, ss.	0	1	3	3	1
Waldorf, p.	0	0	1	2	0

Totals 6 6 27 14 8

Moorh'se, c. f.	1	0	1	0	0
Arnold, 2b	0	0	4	1	0
Lathrop, p.	0	0	5	3	0
Barnet, l. f.	1	1	0	0	0
Gleghorn, 1b.	1	1	11	0	1
Manley, p.	2	1	2	4	0
Buck, r. f.	0	0	0	0	0
Knudson, r. f.	0	1	0	0	0
Burke, ss.	0	1	4	2	3
Dunham, 3b	0	0	0	1	0

Totals 5 5 27 11 4

Notre Dame—4 0 0 0 0 0 0 2 0=6

Beloit—1 0 0 0 1 2 0 0 1=5

Three base hit—Murray. Home run—Gleghorn. Bases on balls—Off Waldorf, 2; off Manley, 1. Struck out—By Waldorf, 11; by Manley, 5. Wild pitch—Waldorf. Hit by pitcher—Burke. Time—2:00. Umpire, Tindill.

The first scheduled game on the trip with Northwestern College at Notre Dame was not played on account of rain.

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NOTRE DAME BLANKS GOPHERS 9 TO 0.

(Special to the *Record-Herald*.)

MINNEAPOLIS, May 3.—After playing good ball for six innings the Minnesota players weakened to-day and allowed Notre Dame to win by the score of 9 to 0.

Minnesota	SUMMARY.	R	H	P	A	E
Hurley, r. f.		0	1	0	0	0
Caldwell, ss.		0	0	1	4	1
Boyle, 3b.		0	0	1	2	0
Brenna, p.		0	0	1	4	0
Linhan, l. f.		0	0	0	0	0
Pidgeon, c. f.		0	1	2	0	0
Bergh, 1b.		0	1	1	0	2
Robertson, 2b		0	1	2	2	1
Grandgaard, c.		0	1	9	0	0

Totals 0 5 27 12 4

Notre Dame	R	H	P	A	E
Bonan, r. f.	1	1	0	0	0
McNerny, 2b.	1	1	2	4	0
Farabaugh, l. f.	1	2	1	0	0
Murray, c.	0	1	7	0	0
Stopper, 1b.	0	1	14	0	0
Brogan, 3b	1	0	3	5	0
Sheehan, c. f.	2	1	0	0	0
Shea, ss.	2	2	0	3	0
Perce, p.	1	2	0	6	0

Totals 9 11 27 18 0

Minnesota—0 0 0 0 0 0 0 0 0=0

Notre Dame—0 0 0 0 0 0 4 4 1=9

Three base hits—McNerny, Farabaugh. Bases on balls—Off Brenna, 3; off Perce, 1. Hit by pitched ball—By Brenna, Murray; by Perce, Grandgaard, Bergh. Struck out—by Brenna, 7; By Perce, 6. Sacrifice hits—Robertson, Stopper, Bonan. Stolen bases—Farabaugh (3), Sheehan (2), Shea, Stopper. Time of game—2:15. Umpire—Figgemeier. Attendance—300.

#### Card of Sympathy.

Whereas God in His infinite wisdom has seen fit to call to Himself the father of our hall-mate and friend, Jay S. Milner, and

Whereas we deeply sympathize with him in his great sorrow, therefore, be it

Resolved that we, the undersigned, in behalf of his companions and friends in Corby Hall tender him our sincerest sympathy, and also that a copy of these resolutions be printed in the SCHOLASTIC.

T. P. McGannon

W. L. Joyce

E. P. Escher

J. J. Flaherty.



## LAW DEPARTMENT.

## SOUTH BEND FUEL COMPANY V. BAKER.

*Opinion.*

The following case was tried recently in the Moot Court. A. Oberst and W. J. Joyce appeared as counsel for plaintiffs, while R. C. Hurst and O. J. Fox represented the defendant. Judge Hoynes presided, and F. J. Hanzel officiated as clerk of the court.

*Statement of Facts.*

The South Bend Fuel Company has an extensive and prosperous business. It sells and delivers wood and coal to more than 1200 families in South Bend. Among its customers for several years was Oliver Baker. It was the only company of the kind until 1903, when a competitor appeared in the South Bend market. This competitor was known as "The Citizens' Light and Fuel Company." Baker had not been satisfied for some time with the service of the former company, and he directed its officers to drop his name from the list of patrons. The following day he entered into a contract with the new company, providing for the delivery to him of wood and coal at stated times and in stated quantities during the year. He was well satisfied with the service of this company and paid quarterly the bills rendered by it. About two years after the transfer of his patronage to it he noticed that the delivery wagons that called at his place with wood and coal bore on their sides the name of the old company. To that fact, however, he paid no particular attention, presuming possibly that in the exigencies of business they had been borrowed, hired or purchased. At any rate, he made no inquiry regarding the matter, although, had he wished, he could easily have procured information explanatory of it. The next bill received by him, however, was from the old corporation, to wit, "The South Bend Fuel Company." It charged for the wood and coal delivered during the preceding three months and amounted to \$115. He then sought an explanation, and learned that about three months previously "The Citizens' Light and Fuel Company" had sold and transferred its plant, business, horses, wagons, fixtures, etc., to the old corporation. The South Bend Fuel Company thus took the place of its late competitor, purchasing with the things enumerated its books and good-will. Nevertheless, Baker refused to pay the bill last rendered, and hence this suit.

The facts in this case bring it within the principle announced in *Boston Ice Company v. Potter*, 123 Mass. 28. Indeed, they are practically alike in both cases. Under like circumstances in the Massachusetts case Mr. Potter declined to pay for ice delivered at his house by the Boston Ice Company, and the court held that he had never expressed his assent to a contract with the plaintiff, and that there was no implied assent from his receiving and using the ice, since he supposed that it came from another company—the one with which he had contracted. "A party has a right to determine with whom he will contract," said Endicott, J., "and can not have another person thrust upon him without his consent. It may be of importance to him who performs the contract, as when he contracts with another to paint a picture, or write a book, or furnish articles of a particular kind, or when he relies upon the character or qualities of an individual, or has, as in this case, reasons why he does not wish to deal with a particular party. In all these cases, as he may contract with whom he pleases, the sufficiency of his reasons for doing so can not be inquired into. If the defendant before receiving the ice or during its delivery had received notice of the change in companies it would have been his undoubted right to have rescinded the contract and to decline to have it executed by the plaintiff. But this he was unable to do because the plaintiff failed to inform him of that which he had a right to know. If he had received notice and continued to take the ice a contract would be implied. A case in England was very like this. One Jones, who had been in the habit of dealing with Brocklehurst, a pipe-hose manufacturer, sent him an order for 50 feet of leather hose. It happened that very day that Brocklehurst had been bought out by Boulton, his former foreman, who executed the order and sent the goods to Jones, without giving him notice that they were supplied by Boulton, and not by Brocklehurst. The Court of Exchequer decided that Boulton could not maintain an action against Jones for their price.—*Boulton v. Jones*, 2 H. & N. 564." In the light of these precedents, and applying the principle they enunciate, the judgment of the Moot Court is in favor of Baker, the defendant.

### Personals.

—Mr. Thomas A. Lowrey, an old student of Notre Dame, is practising law at Wheeling, W. Va., and is meeting with great success.

—Mr. Vitus G. Jones, '03, has entered into a law partnership with Mr. D. D. Bates, in South Bend. While here Mr. Jones was a hard, energetic worker and a popular student. The SCHOLASTIC wishes and predicts success for Vitus in his new field.

—We copy the following from the New York *Tammany Times*: "A rising young lawyer is Peter P. McElligott who resides in the Ninth Assembly District. He is a graduate of the Notre Dame University Law School and is extremely popular. Mr. McElligott during the last campaign spoke in different districts throughout the city for the Democratic ticket. He is a member of the Horatio Seymour Democratic Club of the Ninth and a follower of Leader Frank J. Goodwin."

### Local Items.

—A letter recently received from Dr. Monaghan, Washington, D. C., brings cordial congratulations to the debaters who annihilated Iowa.

—The President of the University has accepted an invitation to address the Indiana Teachers' Association at Indianapolis in December, on the Catholic point of view regarding the public schools.

—The following telegram was received from Tom Lyons Saturday morning: "Congratulations to debaters. Notre Dame forever! South Dakota won here." Tom was the leader of the South Dakota University team.

—Inter-Hall League:—	W.	L.	P C T.
Holy Cross Hall	2	0	1000
Brownson Hall	2	0	1000
Corby Hall	0	2	000
St. Joseph's Hall	0	2	000

—Brownson Hall defeated Corby last Sunday in a one-sided game. Williams, the Brownson Hall twirler, had the Corbyites at his mercy from start to finish, striking out ten men and allowing only one hit. Monaghan and McBride were found out early by the Brownson batters who drove long hits into left field for two and three bases. Centlivre's catch was a feature. The final score was 10 to 1.

—The game between Brownson and Holy Cross Halls scheduled for next Sunday, May 6, promises to be an exciting one. Both teams have a percentage of one thousand, and Sunday's game must take the zeros from one team. Mr. James Quinlan will do the twirling for Holy Cross, while Mr. Heyl is expected to serve the benders for Brownson Hall.

—The St. Joseph's Hall debating team will meet Holy Cross to-night in the Seminary reading-room. The question of debate is: Resolved that United States Senators should be elected by direct popular vote. Messrs. Lahey, Quinlan and Winniger will uphold the affirmative side for Holy Cross, and Messrs. Galligan, Wolfe and McMann will speak on the negative for St. Joseph's Hall. Both teams have worked hard and a warm contest is expected.

—Word comes from Washington, D. C., that the Notre Dame Alumni are preparing an elaborate reception for the debaters who will meet Georgetown University. The Indiana club of that city are co-operating generously in the work; college songs and yells are being collected and learned, and the true college spirit of loyalty is in full flame. Any information or suggestion that will help along matters will be gratefully received by Mr. George MacNamara, '04, Holy Cross College, Washington, D. C.

—Music hath charms indeed. The hard facts of logic and metaphysics and the dry reasonings of ethical problems which might be tiresome and dreary are made quite attractive when accompanied by the rhythmic measures of a flute and cornet. At ten o'clock the music hall trembles with the shrill notes of the musical stick, and the next hour some enthusiastic musician tests his lungs on the cornet. The intention is of course good, but is there, ethically speaking, anything materially wrong in it all?

—On last Wednesday evening the Most Rev. Archbishop Keane paid a short visit to Holy Cross Hall and addressed the Seminarians. He impressed upon them the fact that they would be the priests of the twentieth century and would have to answer the questions that men of the twentieth century would propose. This is an age of science, he said, and the science that will be at the centre of discussions in the new century will be biology. Men are and will be studying life,—its origin and nature—and it is the work of the twentieth century priest to show by teaching and example how much greater is the supernatural than the merely natural life. It is indeed a treat to hear Archbishop Keane, and his words will long be remembered by the members of Holy Cross Hall.